

**HOUSE BILL NO. 149**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES RAMRAS, Wilson, Lynn, Gatto**

**Introduced: 2/14/05**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to further regulation of the sale, possession, and delivery of certain**  
2 **chemicals and precursors used in the manufacture of methamphetamine."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 11.71.020(a) is amended to read:

5 (a) Except as authorized in AS 17.30, a person commits the crime of  
6 misconduct involving a controlled substance in the second degree if the person

7 (1) manufactures or delivers any amount of a schedule IA controlled  
8 substance or possesses any amount of a schedule IA controlled substance with intent  
9 to manufacture or deliver;

10 (2) manufactures any material, compound, mixture, or preparation that  
11 contains

12 (A) methamphetamine, or its salts, isomers, or salts of isomers;

13 or

14 (B) an immediate precursor of methamphetamine, or its salts,

1 isomers, or salts of isomers;

2 (3) possesses an immediate precursor of methamphetamine, or the  
3 salts, isomers, or salts of isomers of the immediate precursor of methamphetamine,  
4 with the intent to manufacture any material compound, mixture, or preparation that  
5 contains methamphetamine, or its salts, isomers, or salts of isomers; [OR]

6 (4) possesses a listed chemical with intent to manufacture any material,  
7 compound, mixture, or preparation that contains

8 (A) methamphetamine, or its salts, isomers, or salts of isomers;

9 or

10 (B) an immediate precursor of methamphetamine, or its salts,  
11 isomers, or salts of isomer; or

12 **(5) except as proscribed under AS 11.71.010(a)(2),**

13 **(A) possesses or delivers an immediate precursor of**  
14 **methamphetamine, or the salts, isomers, or salts of isomers of the**  
15 **immediate precursor of methamphetamine, to another individual for the**  
16 **purpose of manufacturing methamphetamine, or its salts, isomers, or salts**  
17 **of isomers;**

18 **(B) provides a chemical defined under AS 11.71.200(4),**  
19 **(11), (13), or (24) to another person for the purpose of manufacturing**  
20 **methamphetamine, or its salts, isomers, salts of isomers, or an immediate**  
21 **precursor of methamphetamine, its salts, isomers, or salts of isomers.**

22 \* **Sec. 2.** AS 11.71.020 is amended by adding a new subsection to read:

23 (d) In a prosecution under (a) of this section, possession of six grams or more  
24 of pseudoephedrine base product, or its salts, isomers, or salts of isomers, is prima  
25 facie evidence that the person intended to use the listed chemical to manufacture  
26 methamphetamine or to assist another person to manufacture methamphetamine. This  
27 subsection does not apply to the following legitimate businesses:

- 28 (1) a wholesale drug distributor, or its agents, licensed by the state;
- 29 (2) a retail distributor of chemicals or drug products;
- 30 (3) a manufacturer of chemicals or drug products;
- 31 (4) a pharmacist licensed by the Board of Pharmacy;

(5) a health care professional licensed by the state.

\* **Sec. 3.** AS 11.71.030(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the third degree if the person

(1) under circumstances not proscribed under AS 11.71.020(a)(2) - (5) [AS 11.71.020(a)(2) - (4)], manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver;

(2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; or

(3) possesses any amount of a schedule IA or IIA controlled substance

(A) with reckless disregard that the possession occurs

(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth center;

or

(B) on a school bus.

\* **Sec. 4.** AS 11.71 is amended by adding a new section to read:

**Sec. 11.71.193. Purchase, possession, or delivery of products containing pseudoephedrine.** (a) A person commits the crime of possession of pseudoephedrine if a person purchases, possesses, or delivers to another person a product containing more than six grams of pseudoephedrine, or its salts, isomers, or salts of isomers, within a 30-day period. This subsection does not apply to the following legitimate businesses that may legitimately possess more than six grams of iodine or crystal iodine or pseudoephedrine:

(1) a wholesale drug distributor, or its agents, licensed by the division of occupational licensing, Department of Commerce, Community, and Economic Development;

(2) a retail distributor of chemicals or drug products;

(3) a manufacturer of chemicals or drug products;

(4) a pharmacist licensed by the Board of Pharmacy;

1 (5) a health care professional licensed by the state.

2 (b) A person commits the crime of possession of iodine or crystal iodine if a  
3 person purchases, possesses, or delivers to another person any quantity of iodine or  
4 crystal iodine. This subsection does not apply to the following legitimate businesses  
5 that may legitimately possess more than six grams of iodine or crystal iodine or  
6 pseudoephedrine:

7 (1) a water treatment dealer licensed by the division of occupational  
8 licensing, Department of Commerce, Community, and Economic Development;

9 (2) a water treatment facility.

10 \* **Sec. 5.** AS 17.30 is amended by adding a new section to article 1 to read:

11 **Sec. 17.30.090. Dispensing, registration, and record-keeping requirements**  
12 **for certain listed chemicals.** (a) A manufacture, wholesaler, or distributor of iodine  
13 or iodine crystals, or products containing ephedrine, pseudoephedrine,  
14 phenylpropanolamine, or their salts, isomers, or salts of isomers, shall obtain a  
15 registration annually from the Department of Commerce, Community, and Economic  
16 Development. Records of transactions involving the sale of these chemicals shall be  
17 kept readily available and shall be provided to the Department of Public Safety or  
18 other law enforcement agencies upon request. Records involving sales of products  
19 described in this subsection shall be kept separate from all other transaction records  
20 not involving these chemicals and shall be kept readily available for three years.

21 (b) A manufacture, wholesaler, or distributor shall keep iodine or iodine  
22 crystals and all products containing ephedrine, pseudoephedrine or  
23 phenylpropanolamine off the shelves and behind a service counter, except those listed  
24 in (d) of this section.

25 (c) A manufacture, wholesaler, or retail distributor shall keep complete  
26 records of all transactions involving iodine or iodine crystals and all products  
27 containing ephedrine, pseudoephedrine or phenylpropanolamine, except those  
28 exempted under (d) of this section. These records shall detail the following  
29 information:

30 (1) the date of purchase;

31 (2) the purchaser's name;

1                   (3) the purchaser's identification number from the photo identification  
2 used to identify the recipient of the product;

3                   (4) the quantity and substance dispensed;

4                   (5) the dispenser's registration number or identifier.

5                   (d) This section does not apply to the following products: Pediatric products  
6 primarily intended for administration, according to label instructions, to children under  
7 12 years of age, either:

8                   (1) in solid dosage when individual dosage units do not exceed 15  
9 milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine;

10                  (2) in liquid form when recommended dosage units, according to label  
11 instructions, do not exceed 15 milligrams of ephedrine, pseudoephedrine, or  
12 phenylpropanolamine;

13                  (3) in liquid form when recommended dosage units, according to label  
14 instructions, do not exceed 15 milligrams of ephedrine, pseudoephedrine, or  
15 phenylpropanolamine.

16                  (e) Each violation of this section is a class A misdemeanor, punishable upon  
17 conviction by a fine not to exceed \$10,000.